

THURSDAY, JANUARY 15, 2004
FORTY-NINTH LEGISLATIVE DAY

CALL TO ORDER

The Senate met at 9:00 a.m., and was called to order by Mr. Speaker Wilder.

PRAYER

The proceedings were opened with prayer by Reverend Jerry Foust of Richland Baptist Church in Nashville, Tennessee, a guest of Senator Henry.

PLEDGE OF ALLEGIANCE

Senator Kyle led the Senate in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 30

Senators present were: Atchley, Beavers, Bryson, Burchett, Burks, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Trail, Williams and Mr. Speaker Wilder--30.

COMMUNICATIONS

January 8, 2004

The Honorable John S. Wilder
Speaker of the Senate
Suite One, Legislative Plaza
Nashville, TN 37243

Dear Governor Wilder,

I am asking permission to be excused from the Legislative Session on Thursday, January 15, 2004.

As the Vice Chair of NCSL Communications, Technology and Interstate Commerce Committee, I feel that it is important that I attend the NCSL Task Force on State and Local Taxation of Telecommunications and Electronic Commerce meeting. It will be held in Denver, Colorado. The flight arrangements make it impossible for me to attend both Session and this meeting.

Sincerely,

/s/ Bill Clabough

APPROVED: Lieutenant Governor
John S. Wilder

January 14, 2004

The Honorable John S. Wilder
Lt. Governor and Speaker of the Senate
One Legislative Plaza
Nashville, TN 37243

Dear Governor Wilder:

Please excuse my absence from the Senate Session meeting on Thursday, January 15, at 9:00 a.m.

Commissioner Lavender of the Department of Financial Institutions will be participating in a ribbon-cutting ceremony at the new Heritage Bank in Greeneville and has graciously invited me to accompany him. Considering the importance of the event and the fact that there is no floor calendar, I have decided to attend the ceremony in my district.

Thank you for your consideration.

Sincerely,

/s/ Steve Southerland

APPROVED: Lieutenant Governor
John S. Wilder

STANDING COMMITTEE REPORT

FINANCE, WAYS AND MEANS

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend that Senate Bill No. 1716 be referred to the Committee on Commerce, Labor and Agriculture.

HENRY, Chairperson
January 13, 2004

The Speaker announced that he had referred Senate Bill No. 1716 to the Committee on Commerce, Labor and Agriculture.

INTRODUCTION OF BILLS

The Speaker announced that the following bills were filed for introduction and passed first consideration:

Senate Bill No. 2086 by Mr. Speaker Wilder.

Hornsby -- Subject to local approval, changes town election from June to November; makes it permissive, instead of mandatory, that Recorder be member of board of mayor and aldermen. Amends Chapter 112 of the Private Acts of 1920 (Ex. Sess.); as amended.

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Senate Bill No. 2087 by Mr. Speaker Wilder.

Somerville -- Subject to local approval, designates the board of aldermen by positions one through six and provides that the candidate receiving the highest number of votes in an election for each of the designated positions shall be elected. Amends Chapter 169 of the Private Acts of 1998.

Senate Bill No. 2088 by Senator Cooper.

Tort Liability -- Clarifies the standard of care owed by certain landowners under certain circumstances. Amends TCA Title 70, Chapter 7.

Senate Bill No. 2089 by Senator Cooper.

Pensions and Retirement Benefits -- Adds retired teacher to be elected by Tennessee retired teachers association to the board of trustees of TCRS. Amends TCA Section 8-34-302.

Senate Bill No. 2090 by Senator Cohen.

Education, Higher -- Prohibits employment by boards or institutions of higher education for twelve months of non-employee members of presidential search committees. Amends TCA Title 49, Chapter 7; Title 49, Chapter 8 and Title 49, Chapter 9.

Senate Bill No. 2091 by Senator Cohen.

Lottery -- Requires 501(c)(3) organizations authorized to conduct an annual event in calendar year 2004 to file an accounting with secretary of state within 60 days after such event. Amends TCA Title 38; Title 39 and Title 48.

Senate Bill No. 2092 by Senator Cohen.

Lottery -- Removes requirements that retailer contracts be renewable annually. Amends TCA Title 4, Chapter 51.

Senate Bill No. 2093 by Senator Cohen.

Lottery -- Clarifies that a person is disqualified from being a lottery retailer, with certain exceptions, for any criminal offense involving gambling, theft, computer offenses, forgery, perjury, dishonesty or unlawfully selling or providing a product or substance to a minor. Amends TCA Title 4, Chapter 51; Title 39 and Title 49.

Senate Bill No. 2094 by Senator McLeary.

Annexation -- Decreases number of minimum annual meetings of joint economic and community boards from four to one per year and annual meetings by the executive committee of the boards from eight to four per year. Amends TCA Section 6-58-114.

Senate Bill No. 2095 by Senator McLeary.

Regional Authorities and Special Districts -- Removes provision for members of Gibson County water projects authority board of directors being reappointed up to two terms and officers being reelected; changes required meetings from at least quarterly to at least semiannually. Amends TCA Title 64, Chapter 1, Part 10.

Senate Bill No. 2096 by Senator Burchett.

Tobacco, Tobacco Products -- Allows local governments to regulate tobacco products and usage. Amends TCA Section 39-17-1551.

Senate Bill No. 2097 by Senator Burchett.

Sexual Offenses -- Makes the name and address of any college in this state at which a sexual offender is employed or attends public information and available by October 1, 2004, on the

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Tennessee Internet home page for convictions occurring on or after July 1, 1997, rather than October 27, 2002. Amends TCA Section 40-39-106.

Senate Bill No. 2098 by Senator Burchett.

Public Records -- Requires rather than authorizes institution of higher education to disclose final results of student disciplinary proceeding involving crime of violence, sex offense, alcohol or drug possession unless prohibited by federal law. Amends TCA Section 10-7-504.

Senate Bill No. 2099 by Senator Burchett.

Private Protective Services -- Permits correctional officer who has completed basic correctional training program and who is current on annual refresher courses to be issued "unarmed security guard/officer" registration card without completion of the required training for such card. Amends TCA Title 62, Chapter 35, Part 1.

Senate Bill No. 2100 by Senator Fowler.

Physicians and Surgeons -- Exempts certain medical practitioners from continuing education and occupation tax requirements. Amends TCA Title 33; Title 63; Title 67 and Title 68.

Senate Bill No. 2101 by Senator Fowler.

Lottery -- Changes lottery scholarship eligibility requirements for graduates of home school programs and non-eligible high schools from composite ACT score of 23 to composite ACT score of 19. Amends TCA Title 49, Chapter 4, Part 9.

Senate Bill No. 2102 by Senator Miller.

Highways, Roads and Bridges -- Requires chief administrative highway officer in Polk County to possess high school diploma or GED. Amends TCA Section 54-7-104.

Senate Bill No. 2103 by Senator Miller.

Local Education Agency -- Provides for reestablishment of elected office of school superintendent for counties or cities upon two-thirds vote of governing body; provides for qualifications of candidates. Amends TCA Section 49-2-301.

Senate Bill No. 2104 by Senator Miller.

Building Commission, State -- Provides that initial design approval by state architect or engineer required by building commission when cabins or similar structures being built by parks division of environment and conservation is sufficient for construction of similar structures at later date. Amends TCA Title 4, Chapter 15.

Senate Bill No. 2105 by Senator Miller.

Taxes -- Exempts federal 529 plans or other state or federal college tuition savings plans from state or local taxation and from execution, attachment, or other process. Amends TCA Title 49, Chapter 7, Part 8.

Senate Bill No. 2106 by Senator Miller.

Highway Signs -- "Arvil Armstrong Memorial Bridge", U.S. Highway 411 viaduct bridge in McMinn County.

Senate Bill No. 2107 by Senator Kurita.

Employees, Employers -- Creates offense for railroad company or person employed by railroad company to deny, delay or interfere with medical or first aid treatment of employee injured during employment or to discipline or threaten discipline of employee requesting medical or first aid

treatment for such injury; violation is Class A misdemeanor. Amends TCA Title 50, Chapter 3, Part 5.

Senate Bill No. 2108 by Senator Crowe.

Motor Vehicles -- Requires truck tractors and semitrailers to operate in right-most lanes on interstate or multi-state divided highway except when passing or otherwise directed, violation is Class C misdemeanor, punishable only by \$50.00 fine. Amends TCA Title 55, Chapter 8, Part 1.

Senate Bill No. 2109 by Senator Crowe.

Military -- Authorizes national guard to assist in training state guard; authorizes governor to prescribe rules and regulations pertaining to training state guard for emergencies; authorizes governor to give state guard access to national guard armory. Amends TCA Title 58.

Senate Bill No. 2110 by Senator Harper.

Administrative Procedure (UAPA) -- Subjects to termination regulatory boards that do not collect sufficient fees to pay operating costs for two consecutive fiscal years. Amends TCA Section 4-29-121.

Senate Bill No. 2111 by Senator Harper.

Boards and Commissions -- Authorizes health related boards and regulatory boards to conduct criminal background checks on applicants for licensure or certification. Amends TCA Title 4, Chapter 3, Part 13 and Title 63, Chapter 1.

Senate Bill No. 2112 by Senator Harper.

Hospitals and Health Care Facilities -- Requires nursing homes to post signage denoting whether facilities are equipped with sprinkler systems; requires information be published on state Web site. Amends TCA Title 68, Chapter 11, Part 2.

Senate Bill No. 2113 by Senator Cohen.

Motor Vehicles -- Creates Class C misdemeanor offense, punishable by \$50.00 fine only, for intentionally transporting a dog, with certain exceptions, in or on an open area of a motor vehicle without suitable restraints. Amends TCA Title 39 and Title 55.

Senate Bill No. 2114 by Senator Cohen.

Lottery -- Changes lottery scholarship eligibility requirements for graduates of home school programs and non-eligible high schools from composite ACT score of 23 to composite ACT score of 19. Amends TCA Title 49, Chapter 4, Part 9.

Senate Bill No. 2115 by Senator Cohen.

Lottery -- Adds the select committee on the Tennessee education lottery corporation to education committees as committees reviewing governor's proposed appropriations for educational programs and purposes prior to final action by the finance, ways and means committees. Amends TCA Section 4-51-111.

Senate Bill No. 2116 by Senator Cohen.

Lottery -- Authorizes annual event in calendar year 2004 for purpose of raising money for benefit of a 501(c)(3) organization pursuant to Article XI, Section 5 of the Constitution of Tennessee. Amends TCA Title 38; Title 39 and Title 48.

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Senate Bill No. 2117 by Senator Cohen.

Lottery -- Removes eligibility requirement for lottery scholarships that applicant graduate from high school prior to July 1, 2005, and enroll in college prior to January 1, 2006. Amends TCA Section 49-4-905(c).

Senate Bill No. 2118 by Senator Crutchfield.

Labor -- Authorizes commissioner of labor and workforce development to conduct inspections of local governments based on allegations of discrimination against an employee. Amends TCA Title 50, Chapter 3.

Senate Bill No. 2119 by Senator Crutchfield.

Alcoholic Beverages -- Authorizes Hunter Museum of American Art in Hamilton County to be licensed as a museum to sell alcoholic beverages for consumption on the premises; restrictions for sale at museums include no beverages sold during regular operating hours when open to general public except at restaurant located on premises or at special fund-raising events by invitation or where admission is charged. Amends TCA Section 57-4-102.

Senate Bill No. 2120 by Senator Bryson.

Lottery -- Changes lottery scholarship eligibility requirements for graduates of home school programs and non-eligible high schools from composite ACT score of 23 to composite ACT score of 19. Amends TCA Title 49, Chapter 4, Part 9.

Senate Bill No. 2121 by Senator McNally.

Civil Procedure -- Enacts the "Drug or Alcohol Impaired Minor Responsibilities Act".

Senate Bill No. 2122 by Senator McNally.

Education -- Allows local public and private school boards to train school personnel to assist students with diabetes care; requires the departments of health and education, with approval of the board of nursing, to develop guidelines for student diabetes care; limits liability for individuals providing reasonable care within those guidelines. Amends TCA Title 49, Chapter 5.

Senate Bill No. 2123 by Senator McNally.

Health Care -- Creates a Class C misdemeanor offense if any person fails to provide assistance to another person suffering grave physical harm. Amends TCA Section 63-6-218.

Senate Bill No. 2124 by Senator Bryson.

Lottery -- Clarifies and decreases discretion of corporation concerning open records and open meetings. Amends TCA Title 4, Chapter 51; Title 8, Chapter 44, Part 1 and Title 10, Chapter 7, Part 5.

Senate Bill No. 2125 by Senator Bryson.

Motor Vehicles, Titling and Registration -- Requires special license plates be issued administratively by the department of safety instead of through county clerks. Amends TCA Title 55, Chapter 4, Part 2.

Senate Bill No. 2126 by Senator Bryson.

Lottery -- Broadens eligible high school and resident requirements for lottery scholarships. Amends TCA Title 49, Chapter 4, Part 9.

Senate Bill No. 2127 by Senator Bryson.

Arrests -- Gives magistrate discretion to issue either a warrant of arrest or criminal summons regardless of whether the affiant is a law enforcement officer. Amends TCA Title 40, Chapter 6, Part 2.

Senate Bill No. 2128 by Senator Bryson.

Arrests -- Gives magistrate the authority to issue arrest warrant rather than summons regardless of whether law enforcement officer is the affiant if the offense for which the warrant will issue is worthless checks or shoplifting and maintains present domestic violence exception. Amends TCA Title 40, Chapter 6, Part 2.

Senate Bill No. 2129 by Senator Fowler.

Municipal Government -- Permits persons residing outside municipality but owning at least 50 percent fee simple interest in property in Collegedale, by two-thirds vote of legislative body to vote in municipal elections. Amends TCA Title 6, Chapter 53, Part 1.

Senate Bill No. 2130 by Senator Cooper.

Fiscal Review Committee -- Changes the minimum time period between reports from the comptroller of the treasury to the fiscal review committee of the general assembly from three months to four months. Amends TCA Title 3, Chapter 2; Title 3, Chapter 3; Title 3, Chapter 4 and Title 3, Chapter 7.

Senate Bill No. 2131 by Senator Cooper.

Education, Higher -- Increases the minimum number of annual meetings of the board of trustees of the University of Tennessee from one to two. Amends TCA Title 49, Chapter 7; Title 49, Chapter 8 and Title 49, Chapter 9.

Senate Bill No. 2132 by Senator Cooper.

Education, Higher -- Requires the board of trustees of the University of Tennessee to submit its annual report to the governor thirty days, rather than ten days, prior to the date the general assembly convenes. Amends TCA Title 49, Chapter 7; Title 49, Chapter 8 and Title 49, Chapter 9.

Senate Bill No. 2133 by Senator Cooper.

Education, Higher -- Directs the Tennessee higher education commission to report to the governor information about the changes in enrollment of African-American students over the previous ten years rather than five years. Amends TCA Title 49, Chapter 7; Title 49, Chapter 8 and Title 49, Chapter 9.

Senate Bill No. 2134 by Senator Cooper.

Safety -- Requires nursing homes and state university student housing to adopt certain fire safety standards as approved by the department of health. Amends TCA Title 49 and Title 68.

Senate Bill No. 2135 by Senator Cooper.

Fiscal Review Committee -- Changes the maximum length of time between meetings of the contract review subcommittee of the fiscal review committee from three months to four months. Amends TCA Title 3, Chapter 7 and Title 12, Chapter 4.

Senate Bill No. 2136 by Senator Cooper.

Taxes, Gasoline, Petroleum Products -- Increases, for two years, the underground petroleum storage tank fee from 4/10 to 6/10 of a cent per gallon. Amends TCA Title 67, Chapter 3, Part 2 and Title 68, Chapter 215, Part 1.

Senate Bill No. 2137 by Senator Kurita.

Military -- Extends 90-day extension of deadline for payment of property taxes, professional privilege taxes, and Hall income tax for military personnel on active duty to 180 days. Amends TCA Title 67.

Senate Bill No. 2138 by Senator Cooper.

Dentists -- Removes general restriction on the practice of dental hygienists which prohibited dentist from assigning to hygienists procedures that required professional judgment or skill and permits hygienists to administer local anesthesia. Amends TCA Title 63, Chapter 5.

Senate Bill No. 2139 by Senator Cohen.

Driver Licenses -- Allows restricted license for violations of implied consent to include going to and from college, court order alcohol program and interlock meetings; requires application for restricted license be made to court of suspension instead of court of county of residence. Amends TCA Title 55, Chapter 10 and Title 55, Chapter 50.

Senate Bill No. 2140 by Senator McLeary.

Railroads -- Expands powers of rail service authority to make notes, mortgages, or deeds of trust pledging assets of authority to obtain loans or other financial assistance for necessary acquisition, improvement, construction, operation, maintenance and repair of authority facilities. Amends TCA Section 7-56-208.

Senate Bill No. 2141 by Senator Kilby.

Taxes, Corporations -- Increases from \$3,000 to \$4,500 franchise or excise tax credits for new full-time employee jobs in economically distressed counties; authorizes TIIPs grants up to \$1,000,000 in economically distressed counties. Amends TCA Title 67, Chapter 4, Part 21.

Senate Bill No. 2142 by Senator Kilby.

Criminal Offenses -- Increases criminal penalty for manufacture or exchange of methamphetamine where minor is present. Amends TCA Title 39, Chapter 17, Part 4.

Senate Bill No. 2143 by Senator Kilby.

Criminal Offenses -- Imposes additional fines on persons convicted of drug offenses; additional fines allotted to counties with high incidents of methamphetamine prosecutions for investigation and prosecution of such cases. Amends TCA Title 8, Chapter 7, Part 3 and Title 39, Chapter 17, Part 4.

Senate Bill No. 2144 by Senator Fowler.

Hamilton County -- Subject to local approval, confers upon judicial commissioners duty to set bond in cases involving violations of orders of protection for circuit judges and chancellors between 9 p.m. and 7 a.m. on weekdays, weekends and holidays and any other time judge or chancellor unavailable. Amends Chapter 192 of the Private Acts of 1992.

Senate Bill No. 2145 by Senator Ford.

Taxes, Personal Property -- Permits taxpayers to appeal directly to state board of equalization from personal property assessments that are forced or adjusted by assessors. Amends TCA Title 67, Chapter 5, Part 9.

Senate Bill No. 2146 by Senator Ford.

Taxes, Ad Valorem -- Permits taxpayers and owners of industrial and commercial property to choose to appeal either to county board of equalization or directly to state board of equalization. Amends TCA Title 67, Chapter 5.

Senate Bill No. 2147 by Senator Ford.

Taxes, Ad Valorem -- Permits direct appeal to state board of equalization of valuation of property acquired after assessment date. Amends TCA Title 67, Chapter 5.

Senate Bill No. 2148 by Senator Harper.

Boards and Commissions -- Revises quorum requirements of the air pollution control board, board of medical examiners and laboratory licensing board to be a majority of the members of such boards. Amends TCA Section 63-6-103; Section 68-201-104 and Section 68-29-109.

Senate Bill No. 2149 by Senator Atchley.

Health Care -- Revises certain licensure requirements for reflexology practitioners. Amends TCA Title 63, Chapter 30, Part 1.

Senate Bill No. 2150 by Senator Atchley.

Insurance Companies, Agents, Brokers, Policies -- Revises nonforfeiture requirements for individual deferred annuities; creates formula for establishing minimum nonforfeiture amounts on paid-up annuity, cash surrender or death benefits available under annuity contract instead of setting fixed statutory rate of interest. Amends TCA Title 56, Chapter 36, Part 1.

SENATE BILLS ON SECOND CONSIDERATION

The Speaker announced that the following bills passed second consideration and were referred to the appropriate committee:

Senate Bill No. 2051 referred to Committee on Transportation.

Senate Bill No. 2052 referred to Committee on State and Local Government.

Senate Bill No. 2053 referred to Committee on Transportation.

Senate Bill No. 2054 referred to Committee on Judiciary.

Senate Bill No. 2055 referred to Committee on Transportation.

Senate Bill No. 2056 referred to Committee on State and Local Government.

Senate Bill No. 2057 referred to Committee on Transportation.

Senate Bill No. 2058 referred to Committee on Judiciary.

Senate Bill No. 2059 referred to Committee on Judiciary.

Senate Bill No. 2060 referred to Committee on Transportation.

Senate Bill No. 2061 referred to Committee on Transportation.

Senate Bill No. 2062 referred to Committee on General Welfare, Health and Human Resources.

Senate Bill No. 2063 referred to Committee on Transportation.

Senate Bill No. 2064 held on desk.

Senate Bill No. 2065 referred to Committee on Transportation.

Senate Bill No. 2066 -- Caption Bill -- held on Clerk's desk pending filing of amendment.

Senate Bill No. 2067 referred to Committee on State and Local Government.

Senate Bill No. 2068 referred to Committee on Transportation.

Senate Bill No. 2069 held on desk.

Senate Bill No. 2070 referred to Committee on Judiciary.

Senate Bill No. 2071 referred to Committee on Commerce, Labor and Agriculture.

Senate Bill No. 2072 referred to Committee on Transportation.

Senate Bill No. 2073 referred to Committee on Commerce, Labor and Agriculture.

Senate Bill No. 2074 held on desk.

Senate Bill No. 2075 held on desk.

Senate Bill No. 2076 referred to Committee on Commerce, Labor and Agriculture.

Senate Bill No. 2077 referred to Committee on Finance, Ways and Means.

Senate Bill No. 2078 referred to Committee on Finance, Ways and Means.

Senate Bill No. 2079 referred to Committee on General Welfare, Health and Human Resources.

Senate Bill No. 2080 referred to Committee on Judiciary.

Senate Bill No. 2081 referred to Committee on General Welfare, Health and Human Resources.

Senate Bill No. 2082 referred to Committee on Transportation.

Senate Bill No. 2083 referred to Committee on Transportation.

Senate Bill No. 2084 referred to Committee on Transportation.

Senate Bill No. 2085 referred to Committee on Transportation.

INTRODUCTION OF RESOLUTIONS

The Speaker announced that the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

Senate Joint Resolution No. 647 by Senator Cooper.
Memorials, Retirement -- Larry Wallace.

Senate Joint Resolution No. 648 by Senator Cooper.
Memorials, Death -- Leslie R. Hobbs.

Senate Joint Resolution No. 649 by Senator Cooper.
Memorials, Public Service -- Steve Adams.

Senate Joint Resolution No. 650 by Senator Cooper.
Memorials, Professional Achievement -- George Vibbert, President of American City Bank of Tullahoma.

Senate Joint Resolution No. 651 by Senator Cooper.
Memorials, Retirement -- Joe Patton.

Senate Joint Resolution No. 652 by Senator Cooper.
Memorials, Death -- Asok Banerjee.

Senate Joint Resolution No. 653 by Senator Cooper.
Memorials, Professional Achievement -- Elizabeth C. Mansfield, 2003 Carnegie/CASE Tennessee Professor of the Year.

Senate Joint Resolution No. 654 by Senator Cooper.
Memorials, Recognition -- Sam Cordell.

Senate Joint Resolution No. 655 by Senator Cooper.
Memorials, Professional Achievement -- Edward Porter, recipient of America Nursery and Landscape Association Hall of Fame Award.

Senate Joint Resolution No. 656 by Senator Cohen.
Memorials, Death -- Former Adjutant General Carl Wallace.

Senate Joint Resolution No. 657 by Senator McLeary.
Memorials, Recognition -- Cherokee Wolf Clan.

Senate Joint Resolution No. 658 by Senator McLeary.
Memorials, Sports -- Huntingdon Xplosion 12-and-Under All-Star softball team.

Senate Joint Resolution No. 659 by Senator Bryson.
Memorials, Recognition -- Page High School Patriot Chess Team.

Senate Joint Resolution No. 660 by Senator McLeary.
Memorials, Sports -- Huntingdon High School Mustangs, 2003 TSSAA Division 1, Class 2A Champions.

Senate Joint Resolution No. 661 by Senator McNally.
Memorials, Retirement -- Larry Wallace.

Senate Joint Resolution No. 662 by Senator McNally.
Memorials, Death -- First Lieutenant David R. Bernstein.

Senate Joint Resolution No. 663 by Senator McLeary.
Memorials, Professional Achievement -- Betty Allen, Middle School Counselor of the Year.

Senate Joint Resolution No. 664 by Senator Graves.
Memorials, Recognition -- The Jason Foundation.

Senate Joint Resolution No. 665 by Senator Atchley.
Memorials, Death -- J.B. Shockley.

Senate Joint Resolution No. 666 by Senator Atchley.
Memorials, Recognition -- Thomas B. Ballard.

Senate Joint Resolution No. 667 by Senator Atchley.
Memorials, Recognition -- Stan Brock.

Senate Resolution No. 111 by Senator Harper.
Memorials, Retirement -- Kathryn S. Driver.

RESOLUTIONS LYING OVER

Senate Resolution No. 110 -- Juvenile Offenders -- Urges Congress to maintain funding for Juvenile Accountability Block Grant.

The Speaker announced that he had referred Senate Resolution No. 110 to Committee on Finance, Ways and Means.

Senate Joint Resolution No. 625 -- Memorials, Death -- John Sam Ridley, Sr.

The Speaker announced that he had referred Senate Joint Resolution No. 625 to Committee on Calendar.

Senate Joint Resolution No. 626 -- Memorials, Retirement -- Billy Lee Jones.

The Speaker announced that he had referred Senate Joint Resolution No. 626 to Committee on Calendar.

Senate Joint Resolution No. 627 -- Memorials, Professional Achievement -- Dr. Bob and Elizabeth Womack.

The Speaker announced that he had referred Senate Joint Resolution No. 627 to Committee on Calendar.

Senate Joint Resolution No. 628 -- Memorials, Death -- William F. Moynihan.

The Speaker announced that he had referred Senate Joint Resolution No. 628 to Committee on Calendar.

Senate Joint Resolution No. 629 -- General Assembly, Confirmation of Appointment -- Dennis C. Bottorff, Board of Directors, Tennessee Education Lottery Corporation.

The Speaker announced that he had referred Senate Joint Resolution No. 629 to Committee on State and Local Government.

Senate Joint Resolution No. 630 -- General Assembly, Confirmation of Appointment -- Claire Whitfield Tucker, Board of Directors, Tennessee Education Lottery Corporation.

The Speaker announced that he had referred Senate Joint Resolution No. 630 to Committee on State and Local Government.

Senate Joint Resolution No. 631 -- General Assembly, Confirmation of Appointment -- James L.E. Hill, Board of Directors, Tennessee Education Lottery Corporation.

The Speaker announced that he had referred Senate Joint Resolution No. 631 to Committee on State and Local Government.

Senate Joint Resolution No. 632 -- General Assembly, Confirmation of Appointment -- Deborah E. Story, Board of Directors, Tennessee Education Lottery Corporation.

The Speaker announced that he had referred Senate Joint Resolution No. 632 to Committee on State and Local Government.

Senate Joint Resolution No. 633 -- General Assembly, Confirmation of Appointment -- Marvell R. Mitchell, Board of Directors, Tennessee Education Lottery Corporation.

The Speaker announced that he had referred Senate Joint Resolution No. 633 to Committee on State and Local Government.

Senate Joint Resolution No. 634 -- General Assembly, Confirmation of Appointment -- Morris H. Fair, Board of Directors, Tennessee Education Lottery Corporation.

The Speaker announced that he had referred Senate Joint Resolution No. 634 to Committee on State and Local Government.

Senate Joint Resolution No. 635 -- General Assembly, Confirmation of Appointment -- James H. Ripley, Board of Directors, Tennessee Education Lottery Corporation.

The Speaker announced that he had referred Senate Joint Resolution No. 635 to Committee on State and Local Government.

Senate Joint Resolution No. 637 -- Memorials, Congratulations -- Mary Ellen Trimble, Mrs. Democrat.

The Speaker announced that he had referred Senate Joint Resolution No. 637 to Committee on Calendar.

Senate Joint Resolution No. 638 -- Memorials, Public Service -- J. Stanley Rogers.

The Speaker announced that he had referred Senate Joint Resolution No. 638 to Committee on Calendar.

Senate Joint Resolution No. 639 -- Memorials, Death -- James W. Dempster.

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The Speaker announced that he had referred Senate Joint Resolution No. 639 to Committee on Calendar.

Senate Joint Resolution No. 640 -- Memorials, Death -- Ron Martin.

The Speaker announced that he had referred Senate Joint Resolution No. 640 to Committee on Calendar.

Senate Joint Resolution No. 641 -- Memorials, Death -- Harris C. Jacobs, Jr.

The Speaker announced that he had referred Senate Joint Resolution No. 641 to Committee on Calendar.

Senate Joint Resolution No. 643 -- Memorials, Death -- James Leslie Henegar.

The Speaker announced that he had referred Senate Joint Resolution No. 643 to Committee on Calendar.

Senate Joint Resolution No. 644 -- Memorials, Professional Achievement -- Barry K. Thacker, 2003 Hoover Medal award winner.

The Speaker announced that he had referred Senate Joint Resolution No. 644 to Committee on Calendar.

Senate Joint Resolution No. 645 -- Memorials, Death -- William D. Manly.

The Speaker announced that he had referred Senate Joint Resolution No. 645 to Committee on Calendar.

Senate Joint Resolution No. 646 -- Memorials, Personal Occasion -- James Robert "J.R." Schuler, birth.

The Speaker announced that he had referred Senate Joint Resolution No. 646 to Committee on Calendar.

House Joint Resolution No. 728 -- Memorials, Death -- J.B. Shockley.

The Speaker announced that he had referred House Joint Resolution No. 728 to Committee on Calendar.

House Joint Resolution No. 729 -- Memorials, Recognition -- Jon Coppinger.

The Speaker announced that he had referred House Joint Resolution No. 729 to Committee on Calendar.

House Joint Resolution No. 730 -- Memorials, Professional Achievement -- Kenneth D. Higgins, Mel Bedwell Small Businessperson of the Year.

The Speaker announced that he had referred House Joint Resolution No. 730 to Committee on Calendar.

House Joint Resolution No. 731 -- Memorials, Recognition -- Tullahoma Fine Arts Center.

The Speaker announced that he had referred House Joint Resolution No. 731 to Committee on Calendar.

House Joint Resolution No. 741 -- Memorials, Public Service -- Elvyn Verone Davidson, M.D.

The Speaker announced that he had referred House Joint Resolution No. 741 to Committee on Calendar.

House Joint Resolution No. 742 -- Memorials, Recognition -- Janell Howard, Miss Jefferson County Fairest of the Fair.

The Speaker announced that he had referred House Joint Resolution No. 742 to Committee on Calendar.

House Joint Resolution No. 748 -- General Assembly, Recess & Reconvene -- Recesses both houses at the close of business on Thursday, January 15, 2004, and reconvenes the Senate at 3:00 p.m. and the House of Representatives at 2:00 p.m. on Wednesday, January 21, 2004.

The Speaker announced that he had referred House Joint Resolution No. 748 to Committee on Calendar.

MOTION

Senator Kurita moved that the rules be suspended for the immediate consideration of **Senate Joint Resolution No. 636**, out of order, which motion prevailed.

RESOLUTION LYING OVER

Senate Joint Resolution No. 636 -- Memorials, Congress -- Urges study to determine adverse effects of eligibility parameters for participation in federal health and social service programs on military families with members deployed overseas.

On motion of Senator Kurita, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 636** was adopted by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Trail, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

MOTION

Senator Person moved that Rule 83(8) be suspended for the purpose of placing **Senate Bills Nos. 2054, 2058, 2059, 2070 and 2080** on the calendar for the Committee on Judiciary for Tuesday, January 20, 2004, which motion prevailed by the following vote:

Ayes 29
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Harper, Haynes, Henry, Herron, Jackson, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Trail, Williams and Mr. Speaker Wilder--29.

MOTION

Senator Burks moved that the rules be suspended for the introduction and immediate consideration of **Senate Joint Resolution No. 668**, out of order, which motion prevailed.

INTRODUCTION OF RESOLUTION

Senate Joint Resolution No. 668 by Senator Burks.
Memorials, Retirement -- Eldon Leslie.

On motion of Senator Burks, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 668** was adopted by the following vote:

Ayes 30
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Trail, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

MOTION

Senator Harper moved that the rules be suspended for the immediate consideration of **Senate Resolution No. 111**, out of order, which motion prevailed.

RESOLUTION LYING OVER

Senate Resolution No. 111 -- Memorials, Retirement -- Kathryn S. Driver.

On motion of Senator Harper, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Resolution No. 111** was adopted by the following vote:

Ayes 29
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Trail, Williams and Mr. Speaker Wilder--29.

A motion to reconsider was tabled.

MOTION

Senator Crutchfield moved that the rules be suspended for the immediate consideration of **House Joint Resolution No. 748**, out of order, which motion prevailed.

RESOLUTION LYING OVER

House Joint Resolution No. 748 -- General Assembly, Recess & Reconvene -- Recesses both houses at the close of business on Thursday, January 15, 2004, and reconvenes the Senate at 3:00 p.m. and the House of Representatives at 2:00 p.m. on Wednesday, January 21, 2004.

On motion of Senator Crutchfield, the rules were suspended for the immediate consideration of the resolution.

On motion, **House Joint Resolution No. 748** was concurred in by the following vote:

Ayes 30
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Trail, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

MOTION

Senator Crutchfield moved that the Proposed Schedule for the week of January 19, 2004, be adopted and made the action of the Senate, which motion prevailed by the following vote:

Ayes 30
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Trail, Williams and Mr. Speaker Wilder--30.

**TENNESSEE STATE SENATE
103rd GENERAL ASSEMBLY**

**PROPOSED SCHEDULE
FOR THE WEEK OF JANUARY 19, 2004**

MONDAY – January 19

No Floor Session -- State Holiday

TUESDAY – January 20

10:30 a.m. – 11:30 a.m.	Finance, Ways & Means Committee
12:30 p.m. – 1:30 p.m.	Lunch
1:30 p.m. – 3:30 p.m.	Commerce, Labor & Agriculture Committee
3:30 p.m. – 4:30 p.m.	Judiciary Committee
4:30 p.m. – 5:30 p.m.	State & Local Government Committee

WEDNESDAY – January 21

8:30 a.m. – 9:30 a.m.	Education Committee
9:30 a.m. – 10:30 a.m.	General Welfare, Health & Human Resources
10:30 a.m. – 11:30 a.m.	Environment, Conservation & Tourism Committee
11:30 a.m. – 12:30 p.m.	Lunch
12:30 p.m. – 1:30 p.m.	Transportation Committee
1:30 p.m. – 2:30 p.m.	Government Operations Committee
3:00 p.m.	Session – Senate Chamber

THURSDAY – January 22

9:00 a.m. Session – Senate Chamber

NOTE: The projected cut-off for filing of unlimited general bills will be January 22nd. The final bill cut-off, the tenth (10th) legislative day, is projected to be February 5th.

MOTION

Senator Person moved that the rules be suspended for the immediate consideration of **House Joint Resolution No. 749**, out of order, which motion prevailed.

RESOLUTION LYING OVER

House Joint Resolution No. 749 -- Memorials, Retirement -- Paul Wilson Smith.

On motion of Senator Person, the rules were suspended for the immediate consideration of the resolution.

On motion, **House Joint Resolution No. 749** was concurred in by the following vote:

Ayes	30
Noes	0

THURSDAY, JANUARY 15, 2004 -- 49TH LEGISLATIVE DAY

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Trail, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

MOTION

On motion of Senator Cooper, his name was added as sponsor of **House Joint Resolution No. 731**.

On motion of Senator Cooper, his name was added as prime sponsor of **Senate Bill No. 1631**.

On motion of Senators Cohen and Kurita, their names were added as sponsors of **House Joint Resolution No. 638**.

On motion, all Senators' names were added as sponsors of **Senate Joint Resolution No. 636**.

On motion of Senator Henry, his name was added as sponsor of **Senate Joint Resolution No. 668**.

On motion of Senator Kilby, his name was added as prime sponsor of **Senate Bill No. 2011**.

On motion of Senators Cohen, Dixon, Ford, Kyle, Norris and Person, their names were added as sponsors of **House Joint Resolution No. 749**.

ENGROSSED BILLS

January 15, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Joint Resolutions Nos. 636 and 668, and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

MESSAGE FROM THE HOUSE

January 14, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 728, 729, 730, 731, 741, 742 and 748; adopted, for the Senate's action.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

January 15, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolution No. 749, adopted, for the Senate's action.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

January 15, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 743, 744, 745 and 746; adopted, for the Senate's action.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

January 14, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 623 and 624, concurred in by the House.

BURNEY T. DURHAM,
Chief Clerk.

ENROLLED BILLS

January 14, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Bill No. 2049, and find same correctly enrolled and ready for the signatures of the Speakers.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

ENROLLED BILLS

January 15, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Resolution No. 111; and Senate Joint Resolutions Nos. 623 and 624; and find same correctly enrolled and ready for the signatures of the Speakers.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

THURSDAY, JANUARY 15, 2004 -- 49TH LEGISLATIVE DAY

MESSAGE FROM THE HOUSE

January 15, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 748 and 749, for the signature of the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

SIGNED

January 15, 2004

The Speaker announced that he had signed the following: Senate Bill No. 2049.

SIGNED

January 15, 2004

The Speaker announced that he had signed the following: Senate Resolution No. 111; and Senate Joint Resolutions Nos. 623 and 624.

SIGNED

January 15, 2004

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 748 and 749.

MESSAGE FROM THE HOUSE

January 15, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 623 and 624, signed by the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Wednesday, January 21, 2004: House Joint Resolutions Nos. 638, 728, 729, 730, 731, 741 and 742; and Senate Joint Resolutions Nos. 625, 626, 627, 628, 637, 638, 639, 640, 641, 643, 644, 645 and 646.

This the 15th day of January, 2004.
CROWE, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR
LOCAL BILL
CONSENT CALENDAR**

Pursuant to Rule 26, the following bill has been set on the Consent Calendar for Wednesday, January 21, 2004: Senate Bill No. 2074.

ADJOURNMENT

Senator Crutchfield moved the Senate adjourn pursuant to **House Joint Resolution No. 748** until 3:00 p.m., Wednesday, January 21, 2004, which motion prevailed by the following vote:

Ayes 27

Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Cohen, Cooper, Crutchfield, Dixon, Ford, Graves, Harper, Haynes, Henry, Herron, Jackson, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Trail, Williams and Mr. Speaker Wilder--27.